

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

HENDRIK BLOCK,

Plaintiff,

v.

CALIFORNIA-FRESNO INVESTMENT
COMPANY, et al.

Defendants.

Case No. 1:22-cv-1419 JLT SAB

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS DENYING
PLAINTIFF'S MOTION FOR DEFAULT
JUDGMENT**

(Docs. 11, 14, 15)

Hendrik Block seeks to hold the defendants—including California-Fresno Investment Company, dba Bad Buds Gas and Car Wash, and Cedar Plaza, Inc.—liable for violations of the Americans with Disabilities Act, California's Unruh Civil Rights Act, and the California Health and Safety Code §§ 19953 *et seq.* (See Doc. 1.) This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

Plaintiff now seeks default judgment against the defendants. (Doc. 11.) The magistrate judge found Plaintiff "failed to establish proper service of process" for CFIC, dba Bad Buds Gas and Car Wash. (Doc. 14 at 30; *see also id.* at 6-17.) The magistrate judge also found "Plaintiff failed to establish Cedar Plaza owns, leases, or operates the Facility so as to be a properly named Defendant in this action." (*Id.* at 30; *see also id.* at 19-22.) Therefore, the magistrate judge recommended the motion for default judgment be denied. (*Id.* at 30.)

1 The Court served the Findings and Recommendations on Plaintiff, and it contained a
2 notice that any objections were to be filed within 14 days of the date of service. (Doc. 14 at 31.)
3 In addition, the Court advised Plaintiff that the “failure to file objections within the specified time
4 may result in the waiver of the ‘right to challenge the magistrate’s factual findings’ on appeal.”
5 (*Id.* at 31, citing *Wilkerson v. Wheeler*, 772 F.3d 834, 839 (9th Cir. 2014), *Baxter v. Sullivan*, 923
6 F.2d 1391, 1394 (9th Cir. 1991).) Plaintiff did not object.

7 Pursuant to 28 U.S.C. § 636(b)(1)(C), this Court conducted a *de novo* review of the case.
8 Having carefully reviewed the entire file, the Court concludes the Findings and Recommendations
9 are supported by the record and by proper analysis. Accordingly, the Court **ORDERS**:

- 10 1. The Findings and Recommendations entered on April 24, 2023 (Doc. 14) are
11 **ADOPTED IN FULL.**
- 12 2. Plaintiff’s motion for default judgment (Doc. 11) is **DENIED.**
- 13 3. The matter is referred to the magistrate judge for further proceedings.

14
15 IT IS SO ORDERED.

16 Dated: **May 19, 2023**


UNITED STATES DISTRICT JUDGE